



March 10, 1999

Ms. Jennifer D. Soldano
Associate General Counsel
Texas Department of Transportation
Dewitt C. Greer State Highway Building
125 E. 11th Street
Austin, Texas 78701-2483

OR99-0673

Dear Ms. Soldano:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 122002.

The Texas Department of Transportation (the "department") received an open records request for a particular lease agreement. You sought an open records decision from this office pursuant to section 552.305 of the Government Code. Consequently, this office notified representatives of NGD Real Estate Company ("NGD") that we received your request for an open records decision regarding their lease agreement. In our letter to NGD, this office requested an explanation as to why portions of their lease agreement were excepted from public disclosure, with the caveat that their failure to do so within a reasonable time would result in this office instructing you to disclose the information.

More than fourteen days have elapsed since this office issued its notice, but NGD has failed to provide this office with any explanation as to why the requested documents should not be released. Consequently, we have no basis for applying any exceptions to required public disclosure to this information. *See* Open Records Decision No. 552 (1990). Because neither you nor NGD have contended to this office that the requested information should be withheld, you should release the information at this time. If you have any questions regarding this letter, please contact this office.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in cursive script, reading "Karen E. Hattaway". The signature is written in dark ink and is positioned above the printed name.

Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/RWP/ch

Ref.: ID# 122002

cc: Mr. Tommye Potts
Dura Advertising
106 S. West Street
Burnet, Texas 78611

NGD Real Estate Company
P.O. Box 430
Marble Falls, Texas 78654